
Changes to legislation: Education and Inspections Act 2006, Cross Heading: Determination whether to implement proposals not requiring consideration under paragraph 8 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

PROPOSALS FOR ESTABLISHMENT OR DISCONTINUANCE OF SCHOOLS IN ENGLAND

Modifications etc. (not altering text)

- C1** Sch. 2 modified (E.) (25.5.2007) by [The School Organisation \(Establishment and Discontinuance of Schools\) \(England\) Regulations 2007 \(S.I. 2007/1288\)](#), reg. 1(1), **Sch. 7**
- C1** Sch. 2 modified (28.1.2014) by [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013 \(S.I. 2013/3109\)](#), reg. 1, **Sch. 4 Pt. 1**
- C1** Sch. 2 modified (28.1.2014) by [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013 \(S.I. 2013/3109\)](#), reg. 1, **Sch. 4 Pt. 2**

PART 2

^{F1}CONSIDERATION OF PROPOSALS ...

Textual Amendments

- F1** Words in Sch. 2 Pt. 2 heading omitted (1.2.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 11 para. 10(5)**; [S.I. 2012/84](#), art. 3 (with art. 4)

Determination whether to implement proposals not requiring consideration under paragraph 8

- 19 (1) Where any proposals have been made under section 15 by the relevant authority and paragraph 7 does not require the proposals to be considered under paragraph 8, the authority must (subject to the following provisions of this paragraph) determine whether the proposals should be implemented.
- (2) Any determination under sub-paragraph (1) must be made within a prescribed period.
- (3) The requirement to make a determination under sub-paragraph (1) only applies if, at the time when the proposals fall to be considered, the relevant authority are satisfied that the proposals do not relate to any proposals under section 113A of the Learning and Skills Act 2000 (c. 21) which fall to be determined by the Secretary of State but have not yet been determined by him.
- (4) The requirement to make a determination under sub-paragraph (1) does not apply where the proposals appear to the relevant authority to be related to—
- (a) other proposals published under section 15 and not yet determined,
 - ^{F1}(aa) proposals published under section 7 that require consideration under paragraph 8 and are not yet determined,]

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- (b) proposals published under section ^{F2}... 10 or 11 and not yet determined, or
 - (c) proposals published under Schedule 7 to the Learning and Skills Act 2000 and not yet determined.
- (5) In deciding for the purposes of this paragraph whether proposals are related to other proposals, the relevant authority must have regard to any guidance given from time to time by the Secretary of State.
- (6) Where, in the case of any proposals falling within sub-paragraph (1)—
- (a) the authority fail to make a determination under that sub-paragraph within the period mentioned in sub-paragraph (2), or
 - (b) the requirement to make such a determination does not apply by virtue of sub-paragraph (3) or (4),
- the proposals require consideration under paragraph 8 and, in a case falling within paragraph (a), must be referred to the adjudicator.

Textual Amendments

- F1** Sch. 2 para. 19(4)(aa) inserted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 11 para. 10(16)(a)**; S.I. 2012/84, art. 3 (with art. 4)
- F2** Word and comma in Sch. 2 para. 19(4)(b) omitted (1.2.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 11 para. 10(16)(b)**; S.I. 2012/84, art. 3 (with art. 4)
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Commencement Information

- I1** Sch. 2 para. 19 in force at 1.4.2007 by S.I. 2007/935, **art. 5(aa)**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)